

CaLARTS

**CalArts Title IX
Sexual Harassment Policy**

22-23

CalArts Title IX Sexual Harassment Policy

*Applies to Title IX sexual harassment, sexual assault,
domestic and dating violence, and stalking*

TABLE OF CONTENTS

Scope of Policy	5
Jurisdiction of the Institute	5
Online Sexual Harassment and/or Retaliation	6
To Whom the Policy Applies	7
Non-Discrimination in Application	7
Rationale of the Policy	7
Title IX Coordinator	8
Definitions and Terms	8
Non-Investigatory Measures Available Under the Title IX Policy	9
Supportive Measures	9
Range of Measures	10
Emergency Removal	11
Administrative Leave	12
Prohibited Conduct	12
Sexual Harassment	12
Retaliation	15
Consent and Related Concepts: Coercion, Force, and Incapacitation	16
Deciding Whether to Report	18
Reporting Sexual Harassment or Retaliation	21
On-Campus Reporting Options	21
Reporting to Title IX Coordinator or Deputy Title IX Coordinator	21
Online Reporting Options to Title IX Office	22
Emergency/Off-Campus Reporting Options	22
Reporting Considerations/Reporting Information	23
Federal Timely Warnings	23
Timeliness for Reporting	24
Required Reporting	24

Responding to a Report: The Title IX Response Team	24
General Principles of Investigation	25
Standard of proof	25
Initial Inquiry	25
The Title IX Process:	26
Filing a Formal Complaint	26
Dismissal of Formal Complaint	26
Mandatory Dismissal	26
Discretionary Dismissal	26
Notice of Dismissal	27
Notice of Removal	27
Notice of Investigation and Allegations	27
Right to an Advisor	28
Notice of Meetings and Interviews	29
Investigation	29
General Rules of Investigation	29
Appointment of Investigators	29
Investigation Process	30
Information-Gathering	f30
Evidence Review	30
Delays in the Investigation Process and Interactions with Law Enforcement	31
Role and Participation of Witnesses in the Investigation	31
Recording of Interviews	32
Investigative Report	32
Hearing Phase	32
General Rules of Hearings	32
Live Hearing	32
Recording Hearing	32
Participants in the Live Hearing	33
Complainant and Respondent (The Parties)	33
The Hearing Officer	33
Advisor of Choice	33
Witnesses	34
Hearing Procedures	34
Live Cross-Examination Procedure	34
Written Notice of Outcome	35
Sanctions	35

	4
Mitigating Factors	35
Student Sanctions	36
Employee Sanctions/Responsive Action	36
Request for Appeals	37
Grounds for appeal	37
Record Keeping	38
Shared Responsibility: Policy Adherence, Prevention and Education, and Bystander Intervention	39
Policy Adherence	39
Prevention and Education	39
Bystander Intervention	39
Nondiscrimination Policy	40
Revision, Annual Review, and Dissemination of this Policy and Procedures	42
Effective Date	42
APPENDIX A	43
Glossary/Terms	43
Appendix B	46
Resources	46
What to Do If You Experience a Sexual Assault or Sexual Exploitation	46
Seeking Medical Care	46
Off-Campus Community and National Confidential Resources	48
Appendix C	50
Related CalArts Policies	50
CalArts Minor’s Policy	50
CalArts Sexual Misconduct Code	50
CalArts Student Conduct Code	50
CalArts Discrimination and Harassment Policies	50
External Contributors to Policy	50

California Institute of the Arts (referred to as “CalArts” or “the Institute”) is committed to maintaining a living, learning, and working environment that is free from sexual harassment and retaliation.

The purpose of this policy is to comply with the Title IX Regulations, and to affirm its commitment to promoting the goal of fairness and equity in all aspects of the Institute’s education program or activity. Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits discrimination on the basis of sex in education programs and activities. Accordingly, consistent with CalArt’s Non-Discrimination Statement, the Institute prohibits discrimination on the basis of sex in its educational programs, activities and employment.

CalArts has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment or retaliation. The Institute’s goal is to foster an open and safe community where these behaviors are deemed unacceptable, where those who are affected are provided support, and where a fair and impartial review process is provided to all Parties. The Institute’s response to allegations of prohibited conduct is grounded in the fair application of policy and procedure.

To the extent that alleged misconduct falls outside the CalArts Title IX Sexual Harassment Policy (“CalArts Title IX Policy”), or misconduct falling outside the Title IX Sexual Harassment Policy is discovered in the course of investigating covered Title IX misconduct, the Institute retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the CalArts Sexual Misconduct Policy and the CalArts Student Code of Conduct.

The elements established in the Title IX Sexual Harassment Policy under the 2020 Final Rule have no effect and are not transferable to any other policy(ies) of the Institute for any violation of the CalArts Sexual Misconduct Policy, CalArts Student Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. The requirements of the Title IX Rule will be adhered to in addressing a reported matter and any updates to the Title IX rule will be applicable. This Policy does not set a precedent for other policies or processes of the Institute and may not be cited for or against any right or aspect of any other policy or process.

I. Scope of Policy

The core purpose of this policy is the prohibition of sexual harassment and retaliation. The policy may be applied to incidents, including online and electronic communication, to patterns, and/or to campus climate all of which may be addressed and investigated in accordance with this policy. When an alleged violation of this policy is reported, the allegations are subject to resolution using CalArts Title IX Policy or other Institute policies as determined by the Title IX Coordinator.

II. Jurisdiction of the Institute

The Title IX Coordinator will determine if the Title IX Process should apply to a formal complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator if:

- The conduct is alleged to have occurred on or after Aug. 14, 2020;

- The conduct is alleged to have occurred in the United States;
- The Institute has substantial control over the Respondent;
- The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If the Respondent is unknown or is not a member of the CalArts community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of the CalArts community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or student advocate.

In addition, CalArts may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from CalArts property and/or events. All vendors serving CalArts through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Online Sexual Harassment and/or Retaliation

The policies of CalArts are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the Institute's education program and activities or use of the Institute's networks, technology, or equipment.

Although CalArts may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported, the Institute will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the CalArts community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of CalArts' control (e.g., not on CalArts' networks, websites, or between CalArts email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

III. To Whom the Policy Applies

This policy applies to all CalArts students, staff, administrators, faculty (including special and adjunct faculty), program participants, and visitors with respect to CalArts activities and programs occurring both on and off campus. Persons who are not CalArts employees, but who perform work at CalArts for its benefit (such as trustees, visiting artists, volunteers, contractors, vendors, and temporary workers) or are applicants for admission or employment at CalArts, are also protected and required to abide by this policy.

By extension, this policy also applies to all of CalArts' affiliated off-campus sites, including, but not limited to, Roy and Edna Disney/CalArts Theater (REDCAT), Community Arts Partnership (CAP), and off-campus study sites and off-campus sites that CalArts has jurisdiction over, and at any time (e.g., while classes are in or out of session, during breaks, between semesters) if the Complainant(s) and Respondent(s) are CalArts students and if the alleged behavior is likely to have a substantial effect on campus or academic life and activities, or if the incident poses a threat of danger to any member of the CalArts community. Every community member is responsible for complying with all Institute policies and procedures.

Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

IV. Rationale of the Policy

The purpose of this policy is to:

- Familiarize all CalArts community members with the definition of prohibited sexual harassment and retaliation and the various forms it can take;
- Make explicit that prohibited sexual harassment and retaliation is strictly prohibited and will not be tolerated;
- Ensure compliance with federal and state laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity;
- Identify the Institute's Title IX response team and outline how CalArts will respond to allegations of sexual harassment and retaliation through fair and equitable procedures;
- Inform Complainants of the available resources, supportive measures, remedies, and possible courses of action available to them;

- Clarify the rights and responsibilities of those accused of committing such acts.

V. Title IX Coordinator

The Title IX Coordinator oversees implementation of the Institute's CalArts Title IX Policy. The Title IX Coordinator has the primary responsibility for coordinating the Institute's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent sexual harassment and retaliation prohibited under this policy.

A. Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX process and acts with independence and authority free from demonstrated bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are trained to ensure they are not biased for or against any Party in a specific case, or for or against Complainants and/or Respondents, generally.

An assessment of reports or concerns involving demonstrated bias and/or demonstrated conflict of interest by the Title IX Coordinator will be conducted.

Concerns of demonstrated bias and/or demonstrated conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

B. Definitions and Terms

Complainant

For the purposes of this Title IX Sexual Harassment Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy, and is participating in, or attempting to participate in, a CalArts program or activity at the time of the filing of the formal complaint.

Respondent

For the purposes of this Title IX Sexual Harassment Policy, Respondent means any individual who has been reported or alleged to have committed conduct that could constitute covered sexual harassment as defined under this policy.

Formal Complaint

A document filed by and signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, as defined by this policy, against a respondent AND requesting that the Institute investigate the allegation/s. Formal complaints must be filed in order to pursue either an Informal Resolution Process or a Formal Resolution.

Formal Resolution

A process initiated when a formal complaint is signed and filed alleging sexual harassment and/or other forms of sexual misconduct against a respondent, and requests that the complaint be investigated. The Formal Resolution includes an investigation, a decision, and an appeal. The decision-making process includes a live hearing

Informal Resolution Process

Alternate complaint resolution process available when a formal complaint is signed and filed alleging sexual harassment against a respondent. Both parties and the Title IX Coordinator must all agree to have the complaint resolved informally.

Remedies

Measures determined to be necessary by the Hearing Officer to restore or preserve the complainant's equal access to the Institute's education program or activity. Remedies will be determined and monitored by the Title IX Coordinator throughout the Complainant's enrollment, employment, and/or engagement with the Institute.

Further Definitions: APPENDIX A

VI. Non-Investigatory Measures Available Under the Title IX Policy

A. Supportive Measures

Overview

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from the Institute regardless of whether they desire to file a complaint, as appropriate. Supportive measures are non-disciplinary and non-punitive.

Upon notice of alleged sexual harassment and/or retaliation, CalArts will offer and implement appropriate and reasonable supportive measures to Parties involved. The Institute will regularly check in with the Parties to monitor safety concerns are being addressed. Supportive measures may be imposed regardless of whether formal charges or corrective action is sought by the Complainant or the Institute.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. CalArts will take immediate and responsive action to enforce a previously implemented measure.

Information on Supportive Measures for Parties

- CalArts will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged sexual harassment and/or retaliation.
- Supportive measures are non-disciplinary, non-punitive individualized measures offered as appropriate, as reasonably available, to restore or preserve access to the Institute's education program or activity, including measures designed to protect all Parties of the CalArts educational environment, and/or deter sexual harassment and/or retaliation.
- The Title IX Coordinator makes supportive measures available to the Parties upon receiving notice or a complaint. At the time that supportive measures are offered, the Institute will inform the Complainant, in writing, that they may file a formal complaint with the Institute either at that time or in the future, if they have not done so already.
- The Title IX Coordinator works with the Parties to ensure that their wishes are taken into consideration with respect to the supportive measures and will implement those measures that are appropriate.
- The Title IX Coordinator will implement measures in a way that does not unreasonably burden either Party and will record and retain records regarding requests and provision of the supportive measure in accordance with the requirements set forth for record keeping by the Institute.
- To the extent practicable, the Institute will maintain the privacy of the supportive measures, provided that privacy does not impair the Institutes's ability to provide the supportive measures. The Institute will act to ensure as minimal an academic impact on the Parties as possible.
- The Institute will maintain consistent contact with the Parties to ensure that all safety concerns are being addressed.
- All individuals are encouraged to report concerns about failure of another individual to abide by any implemented supportive measure. CalArts will take immediate and responsive action to enforce a previously implemented measure.
- These measures will be re-assessed at various points during and after this process.

Range of Measures

Supportive measures may include, but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Referral to the Employee Assistance Program;

- Imposition of a stay away directive issued to both Parties (CalArts' equivalent to no-contact order);
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- A change in class schedule, including the ability to drop a course without penalty;
- A change in work schedule or job assignment;
- A change in on-campus residence hall assignments (either temporarily or permanently);
- Limiting an individual or student group's access to certain CalArts facilities or activities, pending resolution of the matter;
- A voluntary leave of absence;
- Providing an escort to ensure safe movement between classes, performances, and activities;
- Providing medical services as needed;
- Providing academic support services, such as tutoring;
- Relocation of one's work space;
- Additional training in harassment prevention;
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy.

B. Emergency Removal

The Institute can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or physical safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Threat Assessment Team (TAT) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 24 hours of notice or Emergency Removal, objections to the emergency removal will be deemed waived.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for this meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

Under this policy a determination will be made to implement an emergency removal and to determine the conditions and duration. There is no further challenge process for emergency removal decisions. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The Institute will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. These actions could include, but are not limited to: removing a student from a residence hall, administrative leave for an employee, restricting a student's or employee's access to or use of facilities or equipment, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leaderships, and artistic performances.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the Parties.

C. Administrative Leave

CalArts retains the authority to place a non-student employee Respondent on administrative leave during the Title IX process.

D. Prohibited Conduct

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard sexual harassment and retaliation as an unlawful discriminatory practice.

Sexual Harassment

CalArts has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community under this Title IX Policy.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined for the purposes of this policy as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

A. Quid Pro Quo:

An employee of the Institute conditioning the provision of an aid, benefit, or service of the recipient, on an individual's participation in unwelcome sexual conduct.

B. Sexual harassment:

Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute's education program or activity.

- a. For purposes of this policy, conduct is considered "unwelcome" if, under the totality of the circumstances it is:
 - i. neither solicited nor incited; and
 - ii. regarded by the recipient as undesirable or offensive.

Sexual assault

An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Prohibited conduct under this category includes the following

A. Sex Offenses, Forcible:

- a. Rape: The actual or attempted penetration, however slightly, of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.
- b. Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- c. Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

- d. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

B. Sex offenses, non-forcible:

- a. Incest;
 - i. Non-forcible sexual intercourse;
 - ii. Between persons who are related to each other;
 - iii. Within the degrees wherein marriage is prohibited by California law.

- b. Statutory rape:
 - i. Non-forcible sexual intercourse,
 - ii. with a person who is under the statutory age of consent of eighteen (18) years of age.

C. Dating violence, defined as:

- a. Violence,
- b. committed by a person,
- c. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i) The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- b) For the purposes of this definition—
 - i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - ii) Dating violence does not include acts covered under the definition of domestic violence.

D. Domestic violence, defined as:

- a. Violence,
- b. committed by a current or former spouse or intimate partner of the Complainant by a person with whom the Complainant shares a child in common, or
- c. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- d. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of California, or

- e. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of California.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

E. Stalking, defined as:

- a. Engaging in a course of conduct,
- b. directed at a specific person,
- c. that would cause a reasonable person to:
 - fear for the person's safety,
 - the safety of others; or
 - Suffer substantial emotional distress.

For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

(iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Retaliation

Retaliation is defined as taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure, and is strictly prohibited.

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the Title IX Process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. CalArts will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX Process under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

VII. Consent and Related Concepts: Coercion, Force, and Incapacitation

A. Consent

The behaviors prohibited by the Title IX Sexual Harassment policy are outlined below. These behaviors are defined by an affirmative consent standard where “yes means yes” as follows:

- Consent is an affirmative, conscious, voluntary agreement by all participants to engage in sexual activity. Consent must be given knowingly, voluntarily, and affirmatively, and it must exist from the beginning to end of each instance of sexual activity as well as for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or clear, unambiguous actions that indicate a willingness to engage freely in sexual activity. Consent is active, not passive.
- Each participant in a sexual encounter is expected to obtain consent to each act of sexual activity. This requires participants to continuously check in and communicate with each other or others to ensure that consent is given knowingly, voluntarily, and affirmatively. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- If at any time it is reasonably apparent that any person(s) is hesitant, confused, or unsure, all Parties should stop and obtain mutual verbal consent before continuing such activity.
- Consent may be withdrawn by any person(s) at any time. Withdrawal of consent must also be outwardly demonstrated by mutually understandable words or clear, unambiguous actions that indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current intimate relationship do not automatically give initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly and unambiguously indicates a willingness to engage in sexual activity.

- Consent is not affirmative if it results from the use or threat of force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise her/zir/his own free will to choose whether or not to have sexual contact.
- An individual who is physically incapacitated from alcohol, drug, and/or medication consumption (voluntarily or involuntarily), or is unconscious, unaware, mentally or physically helpless, or is otherwise unable to understand the fact, nature, or extent of the sexual activity is considered unable to give consent. For example, one who is asleep or passed out cannot give consent.
- In the State of California, consent can never be given by minors under the age of 18.

CalArts takes very seriously the issue of affirmative consent for all Parties. When investigating and evaluating complaints of sexual misconduct, the following shall be considered invalid excuses or justifications by the respondent when ze/he/she believed the complainant consented to sexual activity:

- Consent cannot be inferred from silence, the absence of a “no,” or lack of protest or resistance.
 - “I was drunk.” Being intoxicated from alcohol, drugs, and medications, or engaging in other reckless behavior, does not exonerate an individual from obtaining consent from the other person(s) for each act of sexual activity. The initiator of sexual behavior owes respect to his/her/zir potential sexual partner(s). The use of alcohol, drugs, and/or medications by any person(s), including the person(s) alleged to have committed sexual misconduct, does not diminish one's responsibility to obtain affirmative consent and will never excuse an alleged violation of this policy.
 - “I assumed everything was okay.” Reasonable steps must be taken to ascertain whether the complainant knowingly, voluntarily, and affirmatively consented to each and every act of sexual activity. Simply assuming that everything was okay is not enough.
 - Obtained from a person who is asleep or otherwise mentally or physically incapacitated, and this condition was known or reasonably should have been known by the other individual(s) involved in the incident.
 - Not taking the time to check in and communicate with one's partner(s). Affirmative consent requires that any person who engages in sexual activities with others to check in with her/zir/his sexual partner(s) on a consistent basis to determine whether consent was affirmatively given. Communicating with your partner(s) shows that you respect them and their wishes.
- B. Coercion:** A direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would not

have submitted. Coercion can include unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. When someone makes it clear that ze/he/she does not want to engage in sexual activity, that he/she/ze wants to stop, or that she/ze/he does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

C. Force: Force is the use or threat of physical violence or intimidation to overcome an individual's freedom to choose whether or not to participate in sexual activity.

D. Incapacitation: An individual who is incapacitated cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent, because an individual is mentally or physically helpless, unconscious, and unaware that the sexual activity is occurring, or is otherwise unable to understand the fact, nature, or extent of the sexual activity.

One of the many reasons why engaging in sexual activity while under the influence of alcohol, drugs, and medications is considered to be risky behavior is because the ingestion of such substances can create confusion as to whether affirmative consent was obtained. Because incapacitation may be difficult to discern, those wishing to engage in sexual activity are strongly encouraged to err on the side of caution—that is, when in doubt assume that the other person is incapacitated and is therefore unable to give affirmative consent.

Incapacitation may result from alcohol, drug, and medication consumption. Warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait (i.e., a manner of walking, stepping, or running), odor of alcohol or other substance, combativeness, and/or emotional volatility. If there is any doubt as to the level or extent of the other person's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy. This includes persons whose incapacity results from ingestion of a "date rape" or "predatory" drug. Possession, use, and/or distribution of any of these drugs is prohibited and administering one of these drugs to another person for the purpose of inducing incapacitation is prohibited under this policy and state criminal statutes.

As stated earlier, being intoxicated or impaired by alcohol, drugs, and medications is never an excuse for committing sexual harassment and sexual misconduct, and does not diminish one's responsibility to obtain consent knowingly, willingly, and affirmatively. It is the burden of any person wishing to engage in sexual activity with others to determine the capacity of her/zir/his potential sexual partner's ability to provide affirmative consent.

VIII. Deciding Whether to Report

Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. CalArts officials will do everything possible to respect an

individual's autonomy in making these important decisions and to provide support that will assist each individual in making that determination. Unless there is an immediate threat to the community or a minor is involved, the person involved in a sexual misconduct incident will set the pace and make decisions about how best to proceed (including not naming the other Party/ies at the time of the report).

Privacy

Privacy generally means that information related to a report of prohibited conduct will only be shared with Institute employees on a need to know basis. CalArts will determine which officials have a legitimate need to know about individual conduct complaints pursuant to FERPA, Title IX, in order to assist in the active review, investigation, or resolution of the report, including the issuance of supportive measures, the Clery Act, and Institute policy(ies) and will share information accordingly.

Confidentiality

There is a distinction between seeking assistance from a confidential resource and making a report to the Institute through designated reporting options. Confidential resources, including counselors, medical health providers, have legally protected confidentiality and will not share information about a complainant (including whether or not that individual has received services) except under limited circumstances as permitted or required as described below. In contrast, all other CalArts employees are required to share information with CalArts Title IX Coordinator.

For Students

Those who experience sexual harassment and sexual misconduct can experience emotional as well as physical consequences. Sexual assault, dating and domestic violence, and stalking are traumatic experiences that can have both immediate and long-term effects. Individuals who have been sexually assaulted and/or exploited are strongly encouraged to obtain help from a professional counselor as soon as they are ready after the incident occurs.

Confidential Advocate

Elizabeth Peisner, Interim Director of Health and Wellness
Confidential Student Resource Advocate at Room F201M,
epeisner@calarts.edu; or phone, which is active 24/7, at 661-713-5325 for matters related to trauma and sexual respect.

https://calarts-advocate.symplicity.com/titleix_report/

- This form is a confidential mechanism to connect with the Student Confidential Advocate.
- Anonymous reports are accepted but can give rise to a need to investigate.

The Student Confidential Advocate can explain your options in detail and answer any questions that you may have regarding any part of the process, so that you can make an informed decision that is right for you. You can reach Liz Peisner via email, phone or the Anonymous Report Form.

Confidential On-Campus Counseling Services

Melissa Shepherd-Williams, MFT

mshperdwilliams@calarts.edu

Lily Rodriguez, LMFT

lrodriguez@calarts.edu

Student Health Services

Room D208

661-253-7830

Off-Campus Confidential Resources (for staff and faculty):

Employee Assistance Program

Anthem Insurance Companies

800-999-7222 toll free number

CalArts has an Employee Assistance Program (EAP) that provides professional counseling, information and referral services to eligible employees and their spouse, domestic partner, and/or dependent children. The program offers confidential consultation on a wide variety of personal, family, or work-related problems.

Off-Campus Confidential Resources (for Students, Faculty, and Staff):

[National Domestic Violence Hotline](#)

The hotline is the only center in the nation that has access to service providers and shelters across the US. Trained advocates staff this 24-hour crisis hotline and provide confidential assistance.

800-799-SAFE (7233)

[Rape Treatment Center \(RTC\) at UCLA Santa Monica Medical Center](#)

RTC offers comprehensive, free treatment for sexual assault victims and their families, including 24-hour emergency medical care, forensic examinations, crisis intervention, long-term professional counseling, advocacy, and accompaniment services.

1250 Sixteenth Street

Santa Monica, CA 90404

424-259-7208

RAINN-Rape, Abuse, Incest National Network

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline in partnership with more than 1,100 local rape crisis centers across the country. RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice.

800-656-HOPE (4673) or online at the National Online Hotline: <http://online.rainn.org>

Strength United (formerly Valley Trauma Center)

Strength United provides a 24-hour Sexual Assault Emergency Response Team, counseling, and prevention education to over 15,000 individuals annually. In addition, Strength United has expanded its case management and counseling services as a Los Angeles County Family Preservation Program lead agency. Counseling, crisis intervention services, and prevention education programs are available in Spanish and English; other languages are offered when available.

661-253-0258

818-886-0453

Students, faculty, and staff wishing to seek additional confidential off-campus resources may visit with any medical and licensed mental health professional, or trained sexual violence advocates, as they have statutorily protected confidentiality and may only disclose information with your permission. Additional resources can be found in Appendix A.

IX. Reporting Sexual Harassment or Retaliation

At the time a report is made, a complainant does not have to decide whether or not to request student conduct or corrective action.

CalArts is committed to providing a variety of welcoming and accessible ways for community members to voice concerns about and report instances of alleged sexual harassment or retaliation. Reporting an issue is the best way for the community to help an individual receive the resources, support, and supportive measures available at CalArts and in Valencia. Not only does reporting help the individual, communication about issues related to sexual harassment and retaliation can help prevent such acts. The information community members report can illuminate patterns of behavior, immediate threats to the safety of the community, and systemic issues.

A. On-Campus Reporting Options

Students who experienced sexual harassment and/or sexual misconduct, regardless of where the offense occurred, are encouraged to report this incident to either:

Reporting to Title IX Coordinator or Deputy Title IX Coordinator

The Institute encourages individuals to report prohibited conduct to a Title IX Coordinator. They are available to talk if you have a concern you want to share, have questions about the Title IX investigative process, or want to report an incident. Such a report may be made at any time

(including during non-business hours) by using the telephone number or electronic mail address, for the Title IX Coordinator, online reporting form.

Title IX Team

- Dionne Simmons, Director, Campus Rights and Responsibilities
Title IX Coordinator
Chouinard 113
dsimmons@calarts.edu
titleix@calarts.edu
661-291-3091

Online Reporting Options to Title IX Office

- A person who believes that they have been subject to sexual misconduct, or who would like to report on behalf of another person, may choose (a) to report the incident to the Institute through the [Online Reporting Form](#) so that action can be taken by CalArts, through policies and procedures; (b) to discuss supportive measures (c) to discuss options. Reports may be made regardless of when the incidents occurred and whether or not they took place on or off campus.
- [Online Reporting Form](#)
 - This is a private, non-confidential reporting mechanism.

B. Emergency/Off-Campus Reporting Options

Reporting to hospitals

CalArts encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

Assistance is available 24 hours a day year-round by calling:

- Calling 911 to enact local emergency personnel
- An individual can contact Henry Mayo Newhall Memorial Hospital (24 hours/day) through the emergency room. A medical provider at Henry Mayo Newhall Memorial Hospital can provide emergency and/or follow-up medical services and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. The medical exam has two goals:
 - 1) to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infections and/or pregnancy), and
 - 2) to properly collect and preserve evidence. Contact information for our local hospital is:

Henry Mayo Newhall Memorial Hospital
23845 McBean Parkway
Valencia, CA 91355
661-253-8000

Reporting to law enforcement

The Institute supports any complainant who wishes to make a police report and will inform that individual of this reporting option. Complainants are encouraged to contact local police in the city where the incident occurred, but it is their choice whether or not to report to law enforcement. If an individual reports an alleged incident to law enforcement, the Institute will cooperate with any investigation to the extent possible under federal and state law. Should a student or employee obtain a restraining order against another individual, the student or employee is encouraged to share that information with the Title IX Coordinator and/or Campus Safety so that the Institute can be prepared to assist in the enforcement of the restraining order.

An individual over the age of 18 has a right to report, or to not report, prohibited conduct to law enforcement. Reporting to law enforcement may start a criminal investigation and adjudication within the criminal justice system. A criminal investigation and process is separate from a CalArts administrative investigation and/or process.

Assistance is available 24 hours a day year-round by calling:

- Calling 911 to contact local emergency personnel

[Los Angeles County Sheriff's Department – Santa Clarita Valley Station](#)

23740 Magic Mountain Parkway
 Santa Clarita, CA 91355
 911—for emergencies
 661-255-1121—for all other calls

C. Reporting Considerations/Reporting Information

Federal Timely Warnings

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, CalArts must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. CalArts will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Amnesty for Alcohol, Drug, and Medication Use or Other Policy Violations

CalArts seeks to remove any barriers to reporting. The Institute will generally offer any student, whether the complainant or a third party, who reports allegations of discrimination, harassment, and/or sexual misconduct—or who serves as a witness in the investigation of such allegations—limited immunity from being charged for policy violations related to the personal ingestion of alcohol and/or other drugs (including medications), or other policy violations,

provided that any such violation(s) were not egregious and did not, and do not, place the health and safety of any person at risk. The Institute may, however, choose to pursue educational interventions for those individuals, when deemed appropriate.

Timeliness for Reporting

In order to maximize the Institute's ability to respond promptly and effectively, all those impacted by Prohibited Conduct are encouraged to report as soon as possible. There is no time limit on reporting violations of this policy, though prompt reporting by required reporters, faculty and staff, is required. If the respondent is no longer a student or employee at the time of the report, the Institute may not be able to take disciplinary action against them. The Institute will still provide support and reasonably available supportive measures to a complainant, who is a student, faculty or staff of the Institute, as well as assistance in identifying appropriate external reporting options.

Required Reporting

In emergency situations, if there is a suspected crime in progress or imminent or serious threats to the safety of anyone, all CalArt employees, including faculty and staff, must immediately contact Campus Safety or dial 911 (You are not required to disclose names or details you are not ready to share). CalArts students and guests are encouraged to do the same.

In non-emergency situations, all CalArts employees, including faculty and staff, must promptly report suspected violations of this policy, sexual harassment and sexual misconduct, to the Title IX Coordinator and/or Deputy Title IX Coordinator. Some students with special responsibilities, must promptly report alleged violations of this policy to the Vice President of Student Experience or Director of Campus Life or, who will then consult with the Title IX Coordinator.

CalArts employees who have statutory confidentiality (e.g., mental health counselors in Student Experience and licensed health care professional in student health) do not and will not report incidents without the permission of the person who made the report (unless the report involves a minor or imminent danger to the community).

The Confidential Student Advocate is an additional confidential resource as designated in this policy for internal purposes based on the scope of the position as well as the extensive training and experience. Please note, however, that the student advocate does not have the same status as a therapist, doctor or clergy when it relates to statutory confidential communications. All CalArts community members, even those who are not

Students are encouraged to report any suspected violation of this policy (after consulting a Confidential Resource as appropriate).

X. Responding to a Report: The Title IX Response Team

The Title IX Coordinator, working with the Title IX team, will ensure that CalArts responds to all reports in a timely, effective, and consistent manner. The Title IX team consists of: The Title IX Coordinator, Deputy Title IX Coordinator and others as applicable. The Title IX team is charged with coordinating the review, investigation, and resolution of all reports to ensure consistent responsiveness and the integrated provision of supportive measures to support the individuals involved and to protect the CalArts community. The Institute is committed to using a consistent and informed response to create a culture of respect and accountability. The Title IX team is positioned to provide seamless support, assess individual and campus safety needs, and effectively respond to allegations of sexual harassment and sexual misconduct.

CalArts will promptly review and respond to all reports in an integrated, consistent manner that treats everyone with dignity and respect. The Institute will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

CalArts recognizes that the decision whether or not to report allegations of sexual harassment and retaliation is personal, and that there are many barriers, both individual and societal, to reporting. Not every individual will be prepared to make a report to CalArts or to law enforcement, and individuals are not expected or required to pursue any specific course of action. As outlined in the *Resources* section of this policy, there are confidential resources at CalArts and in the community and supportive measures available to individuals not wishing to make a report to the Institute. Information shared with these confidential resources will not be reported to the Institute (unless a minor is involved).

XI. General Principles of Investigation

A. Standard of proof

The standard of proof to find a violation of Institute policy is a preponderance of the evidence. Preponderance of the evidence means that a decision of responsibility for a policy violation will be made on whether it is more likely than not that the respondent violated the policy based on the totality of information gathered during the investigation.

B. Initial Inquiry

After receiving a report of alleged Sexual Harassment or Retaliation, the Title IX Coordinator will contact the Complainant to explain their options and resources under this policy, reporting options on and off campus, supportive measures as applicable, and appropriate referrals, as well as to invite the Complainant to an initial meeting. This is called outreach and is most commonly communicated through the student's CalArts email account.

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this policy) involving students, staff, administrator, or faculty members.

The Title IX Coordinator will make an Initial Inquiry to determine whether this policy applies to the reported conduct and whether additional action should be taken based on the Report, including whether supportive measures are appropriate and whether an investigation is warranted. The Coordinator may, at their discretion, arrange for limited fact-finding as needed. The Coordinator may determine that conduct as reported, even if true, would not constitute a violation of the Title IX Policy.

XII. The Title IX Process:

A. Filing a Formal Complaint

The timeframe for the Title IX Process begins with the filing of a Formal Complaint. The Title IX Process will be concluded within a reasonably prompt manner, and no longer than 120 calendar days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a Party, a Party's Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of CalArts, including as an employee.

Even if a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may nonetheless determine a Formal Complaint is necessary. CalArts will inform the Complainant of this decision in writing, and will receive all notices issued under this Policy and Process.

Nothing in the Title IX Policy, or other CalArts policies, prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

B. Dismissal of Formal Complaint

Mandatory Dismissal

If any one of the elements outlined in VIII (B) are not met, the Title IX Coordinator, or designee, must dismiss the formal complaint and notify the parties that the formal complaint is being dismissed for the purposes of the Title IX Policy.

Discretionary Dismissal

The Title IX Coordinator, or designee, may dismiss a formal complaint brought under the Title IX Policy, or any specific allegations raised within the formal complaint, at any time during the investigation or hearing if:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

- The Respondent is no longer enrolled or employed by CalArts; or
- CalArts is prevented from gathering sufficient evidence to reach a determination as to the Formal Complaint, including, but not limited to, a Complainant ceasing to participate in the process.

Notice of Dismissal

Upon dismissal of a Formal Complaint, CalArts will send written notice of the dismissal and reason(s) as to why the dismissal occurred, simultaneously to the parties through their CalArts email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

Parties are able to appeal the dismissal of a Formal Complaint by submitting their appeal in writing to the Title IX Coordinator or designee within ten (10) calendar days of receiving a decision regarding the dismissal.

Notice of Removal

Upon dismissal for the purposes of Title IX, the Institute retains discretion to utilize the Student Code of Conduct and/or CalArts Sexual Misconduct Policy to determine if a violation of the Student Code of Conduct and/or Non-Title IX Sexual Misconduct Policy has occurred. If so, the Institute will send written notice of the dismissal of the Formal Complaint under the Title IX Process and removal of the allegations to the applicable process.

Appeals

Parties are able to appeal the dismissal of a Formal Complaint by submitting their appeal in writing to the Title IX Coordinator or designee within ten (10) calendar days of receiving a decision regarding the dismissal.

Not liking the outcome(s) related to the dismissal of the formal complaint is not sufficient grounds for an appeal.

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter (i.e. failure to follow the Institute's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a demonstrated conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

C. Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Title IX Process. This facilitates the

Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

Content of the Notice of Investigation and Allegations

The Notice of Allegations will include the following:

- Notice of the Institute's Title IX Process and the *informal resolution process if applicable*.
- Notice of the allegations will include the alleged covered sexual harassment, and pertinent details known at the time the Notice is issued, such as the identities of the Parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.

A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX process.

- A statement that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney, as required.
- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Institute does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source, as required.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official Recipient records, or emailed to the Parties' CalArts-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

D. Right to an Advisor

CalArts will provide the Parties equal access to Advisors; any restrictions on Advisor participation will be applied equally. The law permits one Advisor for each Party, of their choice. The Advisor of choice can be present with the Party for all meetings, interviews, and hearings within the resolution process, if they so choose.

The Parties may select whoever they wish to serve as their Advisor: as long as the Advisor is eligible and available. This could include a friend, family member, attorney or advocate. Choosing an Advisor who is also a witness in the process creates potential for bias and

conflict-of-interest. A Party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Officer. Witnesses are not entitled to Advisors within the process, though they can be advised externally.

The Institute has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor to any meeting or hearing to which they are required or are eligible to attend. The Advisor is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors shall not participate directly in the process as per standard policy and practice of the Institute.

CalArts' obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and CalArts cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator or designee.

CalArts will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the Party the opportunity to obtain a different Advisor or utilize one provided by CalArts.

Notice of Meetings and Interviews

CalArts will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a Party, with sufficient time for the Party to prepare to participate.

E. Investigation

General Rules of Investigation

The Title IX Coordinator and/or an investigator(s) designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations. The Institute and not the Parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred.

CalArts cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong or of whom the records include information. CalArts will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence (i.e. evidence that tends to prove and disprove the allegations), as described below.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator identifies and appoints investigator(s). Investigations of complaints under these procedures are conducted by trained investigators who are specially trained to investigate allegations of Title IX Sexual Harassment. Investigations may be conducted by external investigators or by trained campus investigators. Investigators may work as a team with other Institute officers, as appropriate.

Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant Parties and witnesses who agree to participate; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have the right to provide relevant evidence and to suggest the names of witnesses with relevant information. The investigator is charged with determining relevance.

All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

Information-Gathering

The investigator(s) will meet separately with the Complainant, respondent and identified witnesses. The investigator(s) will ask the Parties for all information related to the allegations, including names of witnesses and documentation related to the incident, which may include, for example, documented communications between Parties, receipts, photos, video, or other information relevant to the allegations.

Evidence Review

Prior to the completion of the investigation, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the Parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- Evidence that is relevant, even if that evidence does not end up being relied upon by the Institute in making a determination regarding responsibility;
- Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

The Institute will send the evidence made available for each Party and each Party's Advisor, if any, to inspect and review through an electronic format.

The Parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. The parties may suggest additional relevant witnesses or other evidence, and may also offer questions to the investigator they would like the investigator to pose to the other party, or to a witness.

The investigator will consider the Parties' written responses before completing the Investigative Report.

This will be the final opportunity to provide evidence to the investigator. Evidence not offered will not be accepted at the hearing, absent a showing of good cause.

Parties may request a reasonable extension as their designated extension request. This is a one time extension for ten (10) days.

Delays in the Investigation Process and Interactions with Law Enforcement

The Institute may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The Institute will communicate in writing the anticipated duration of the delay and reason to the Parties and provide the Parties with status updates if necessary. The CalArts will promptly resume its investigation and resolution process as soon as feasible. During such a delay, CalArts will implement supportive measures as deemed appropriate.

The Institute action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Role and Participation of Witnesses in the Investigation

Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

The investigator will arrange interview times with witnesses and consider options for witnesses, on summer break, or away from the Institute. may require individuals to be interviewed remotely. Interviews can take place in person or remotely via Zoom, WebEx similar

technologies. The Investigator will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. Per California Law, if Investigator(s) elect to audio and/or video record interviews, all involved Parties must be made aware of and consent to audio and/or video recording. The Title IX Coordinator will evaluate the request and make final determinations.

Investigative Report

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the Parties at least ten (10) calendar days prior the hearing in an electronic format for each Party's review and provide any written response.

Only relevant evidence (including both inculpatory and exculpatory—i.e. tending to prove and disprove the allegations—relevant evidence) will be referenced in the Investigative Report. The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

G. Hearing Phase

General Rules of Hearings

Provided that the complaint is not resolved through an informal resolution process, once the live hearing has concluded if agreed upon by both parties and the Title IX Coordinator, CalArts will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing.

Live Hearing

The live hearing may be conducted with all Parties physically present in the same geographic location, or, at CalArts' discretion, any or all Parties, witnesses, and other participants may appear at the live hearing virtually. CalArts will provide technology that will enable participants to simultaneously see and hear each other. At its discretion, CalArts may delay or adjourn a hearing based on technological errors not within a Party's control.

Recording Hearing

Hearings (but not deliberations) are recorded by the Institute for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. CaArts will provide a transcript of the hearing if an appeal is filed. The recording/transcript of the hearing will be available for review for ten (10) calendar days.

The Hearing Officer(s), the parties, their Advisors, and appropriate administrators of the Institute will be permitted to watch/listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The Parties cannot waive the right to a live hearing, unless the issue is resolved under the Informal Resolution.
- The Institute may still proceed with the live hearing in the absence of a Party, and may reach a determination of responsibility in their absence, including through any evidence gathered during the investigation.
- CalArts will not threaten, coerce, intimidate, or discriminate against the Party in an attempt to secure the Party's participation.
- The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing or refusal to answer cross examination or other questions.

The Hearing Officer

- The Hearing Officer will consist of a single decision-maker who will facilitate and adjudicate the matter.
- No Hearing Officer will also have served as the Title IX Coordinator, Title IX investigator, or Advisor to any Party in the case, nor may any Hearing Officer serve on the appeals body in the case.
- No Hearing Officer will have a conflict of interest or bias in favor of or against Complainants or respondents generally, or in favor or against the Parties to the particular case.
- The Hearing Officer will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, and any technology to be used at the hearing.
- The Parties will have an opportunity to raise any objections regarding a Hearing Officer's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of Choice

- The Parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney.
- The Parties are not permitted to conduct cross-examination; it must be conducted by the Advisor. As a result, if a Party does not select an Advisor, the Institute will select an

Advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the Party.

- The Advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or respondents generally, or in favor or against the Parties to the particular case.
- The Advisor is not prohibited from being a witness in the matter.
- If a Party does not attend the live hearing, the Party's Advisor may appear and conduct cross-examination on their behalf.
- If neither a Party nor their Advisor appear at the hearing, the Institute will provide an Advisor to appear on behalf of the non-appearing Party.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.

H. Hearing Procedures

For all live hearings conducted under this Title IX Process, the procedure will be as follows:

- The Hearing Officer will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide closing statements;
- The Hearing Officer will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination through their advisor, after the Hearing Officer conducts its initial round of questioning;
- During the Parties' cross-examination, the Hearing Officer will have the authority to pause cross-examination at any time for the purposes of asking the Hearing Officer's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- The Hearing Officer shall have the right to impose any time limits as appropriate.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Officer. A Party's waiver of cross-examination does not eliminate the ability of the Hearing Officer to use statements made by the Party.

I. Live Cross-Examination Procedure

Each Party's Advisor will conduct live cross-examination of the other Party or Parties and witnesses. During this live-cross examination the Advisor will ask the other Party or Parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Hearing Officer will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked,

including by the Hearing Officer may be deemed irrelevant if they have been asked and answered.

J. Written Notice of Outcome

The written Determination Regarding Responsibility will be issued simultaneously to all Parties to the Parties' CalArts email accounts. The Determination will include:

- Allegations
 - Identification of the allegations potentially constituting covered sexual harassment;
- Procedural Recitation
 - A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of Fact
 - Findings of fact supporting the determination
- Conclusions
 - Conclusions regarding which section of the Institute's Title IX Policy, if any, the Respondent has or has not violated.
 - For Each Allegations:
 - A statement of, and rationale for, a determination regarding responsibility;
 - A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
 - A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the Complainant; and
- Appeal
 - CalArts appeal procedures and permissible bases for appeal.

K. Sanctions

Mitigating Factors

The following factors may include, but are not limited to, when determining a sanction:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations and/or allegations involving similar conduct

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Student Sanctions

Responsive actions for a student who has engaged in harassment and/or retaliation include, but are not limited to:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Institute policy, procedure, or directive will result in more severe sanctions/educational outcomes.
- *Required Counseling*: A mandate to meet with and engage in either Institute-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of Institute policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any Institute policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from Institute activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at CalArts.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend CalArts sponsored events.
- *Withholding Diploma*: CalArts may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: CalArts reserves the right to revoke a degree previously awarded from the Institute for fraud, misrepresentation, and/or other violation of Institute policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to or in place of the above sanctions, CalArts may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive Action

Responsive actions for an employee who has engaged in harassment and/or retaliation include, but are not limited to:

- *Warning—Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*

- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Assignment to new supervisor*
- *Restriction of stipends, creative leave, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/employment actions, CalArts may assign any other employment action(s) as deemed appropriate.

L. Request for Appeals

Each Party has an opportunity to file a Request for Appeal of the determination of responsibility. The appeal must be submitted in writing to the Title IX Coordinator within ten (10) calendar days of the delivery of Determination of Responsibility stating the grounds for appeal.

Grounds for appeal

Not liking the outcome(s) related to an investigation is not sufficient grounds for an appeal.

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter (i.e. failure to follow the Institute's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

The Request for Appeal will be reviewed by the Appeals Officer(s) or designee to determine whether the request meets the grounds of appeal and is filed in a timely manner.

- If any of the grounds in the Request for Appeal do not meet the grounds outlined in this Policy, the request will be denied and the Parties will be notified in writing and the rationale.
- If any of the grounds in the Request for Appeal meet the grounds outlined in this Policy and submitted in a timely manner, the other Party is provided access through the

Institute's secured system, and will be given five (5) calendar days to submit a response to the portion of the appeal that was approved and involves them.

The Request for Appeals and any responses or challenges to the appeal(s) will be reviewed by the Appeals Officer(s), who will endeavor to render a determination/decision in five (5) calendar days.

Notice of Appeal Outcome

A Notice of Appeal Outcome will be sent to all Parties simultaneously, including the decision on each approved ground and rationale for each decision and any sanctions that the Institute is permitted to share according to state and federal law.

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and documentation regarding the specific ground for appeal. As such, **once an appeal is determined by the Appeals Officer(s), the outcome is final**. Further appeals are not permitted, even if a decision or sanction is changed.

M. Record Keeping

For each sexual harassment complaint, the Institute must maintain records for seven (7) years that include:

- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment;
- The basis for all conclusions that the Institute response was not deliberately indifferent;
- Documentation that the school took measures designed to restore or preserve equal access;
- If the Institute did not provide supportive measures, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

If there was a formal complaint, hearing and outcome, the records must contain:

- Any determination regarding responsibility;
- Any disciplinary sanctions imposed on the Respondent;
- Any audio or audiovisual recording or transcript required under federal regulation;
- Any remedies or supportive measures provided to the Complainant;
- Any appeal and the result there from;
- Any Informal Resolution and the result therefrom.

N. Training Materials

- All materials used to train Title IX Coordinators, Investigator(s), Hearing Officer(s), and any person who facilitates an Informal Resolution process;

- CalArts will make these training materials publicly available on the CalArts website.

XIII. Shared Responsibility: Policy Adherence, Prevention and Education, and Bystander Intervention

A. Policy Adherence

All students, faculty, staff, administrators and other members of the CalArts community are responsible for ensuring that their conduct does not violate this policy. If CalArts employees know of, receive a complaint about, or obtain information that indicates possible discrimination, harassment, and sexual misconduct, they must take immediate steps to ensure that the matter is addressed. Questions regarding this policy may be directed to one of the Title IX coordinators.

B. Prevention and Education

CalArts provides resources for education about and prevention of discrimination, harassment, and sexual misconduct— including sexual assault, dating and domestic violence, and stalking. Students, faculty, and staff are urged to take advantage of on-going prevention and awareness campaigns and are encouraged to participate actively in prevention and risk-reduction efforts to recognize warning signs of abusive behavior, unhealthy relationships, and how to avoid personal attacks. Consistent with federal requirements, CalArts will, on an annual basis, train individuals who are responsible for investigating and adjudicating reports of discrimination, harassment, and sexual misconduct on issues related to sexual assault, dating and domestic violence, and stalking, as well as how to conduct a hearing process that protects the safety of the Complainant(s) and promotes accountability.

In addition to free and confidential counseling offered to students by the licensed mental health counselors in Student Affairs, staff from Student Affairs also invite speakers from local trauma centers and domestic violence prevention agencies to meet with students and to provide education and prevention resources.

C. Bystander Intervention

CalArts considers the welfare of students, faculty, staff, administrators, and its guests to be of paramount importance. The Institute recognizes that at times students, who reside on or off campus, may need assistance. CalArts urges all community members to offer help and assistance to others in need and to take reasonable and prudent actions to prevent or stop an act of sexual harassment or sexual misconduct. Taking direct or indirect action, when safe to do so, when witnessing potential sexual assault, dating and domestic violence, or stalking may help prevent or stop a harmful act. Safe and positive ways to intervene might include: enlisting the assistance of friends, and/or seeking assistance from a person in authority, such as staff, faculty, mentors, deans, Campus Safety officers, or law enforcement officers from the LA Sheriff's Department.

XIV. Nondiscrimination Policy

California Institute of the Arts (CalArts) is committed to the principle of equal opportunity. CalArts does not discriminate against individuals on the basis of race, color, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related thereto), gender, gender identity, gender expression, sexual orientation, religion and religious creed (including religious dress and grooming practices), disability (mental or physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, age, military and veteran status, ancestry, ethnic or national origin (including language use restrictions), or other characteristics or classifications protected by the law in the administration of its educational, employment, or admissions policies; scholarships and loan programs; and other Institute administered programs and activities.

This policy strictly prohibits discrimination against, or the harassment of, any individual at CalArts or at Institute activities occurring away from campus, including but not limited to all individuals regularly or temporarily employed, studying, or with an official capacity at CalArts (such as Trustees, visiting artists, volunteers, and contractors). Persons violating this policy will be subject to corrective action up to and including discharge from employment or dismissal from CalArts.

It is the responsibility of all CalArts community members to ensure compliance with this policy. Accordingly, anyone who believes they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the Institute in violation of this policy, or believe such conduct has occurred, should immediately report the incident to one of the individuals listed below.

Because harassment and discrimination can also constitute violations of federal and state law (e.g., Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, and/or the California Fair Employment and Housing Act), individuals who feel that they have been subjected to harassment or discrimination may, in addition to notifying CalArts, file a complaint with the appropriate state or federal agencies, including, in the case of employees, the United States Equal Employment Opportunity Commission and/or California Department of Fair Employment and Housing. In addition, students and/or employees may file a complaint with the Office for Civil Rights, United States Department of Education.

Inquiries or complaints concerning the application of Title VII, Title IX, Section 504, ADA, or other non-discrimination policies may be referred to the following individuals or offices:

Title IX Coordinator
Dionne Simmons
Room Chouinard 113
661-291-3019
dsimmons@calarts.edu

Institute Diversity Officer
Eva Graham
Room F300
661-253-2785
egraham@calarts.edu

Section 504/ADA Compliance (Students)
Elizabeth Peisner, Interim Director, Health and Wellness Room A201M
epeisner@calarts.edu

ADA Compliance (Faculty and Staff)
John Thomas, Director, Security/Risk Management
jthomas@calarts.edu
661-255-3074

Individuals who believe they experienced prohibited discrimination, harassment, sexual and/or sexual misconduct should be aware that both state and federal law impose time deadlines for the filing of complaints and that the use of the internal complaint procedures described in this policy will not change such filing deadlines.

San Francisco Office
Office for Civil Rights
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
415-486-5555 – telephone
415-486-5570 – fax
800-877-8339 – TDD
ocr.sanfrancisco@ed.gov

California Department of Fair Employment and Housing
611 W. 6th Street, Suite 1500
Los Angeles, CA 90017
213-439-6799

United States Equal Employment Opportunity Commission
 255 East Temple Street, 4th Floor
 Los Angeles, CA 90012
 213-894-1000

XIV. Revision, Annual Review, and Dissemination of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. CalArts reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any Party, such as to provide an accommodation or allow for Institute break schedules. The Title IX Coordinator may also vary procedures materially with notice on the Institute website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change—or court decisions alter—the requirements in a way that impacts this document, this document will be constructed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

XV. Effective Date

This Title IX Sexual Harassment Policy will become effective on Aug. 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after Aug. 14, 2020.

Updates Finalization Pending Final 10 day Review and Comment Period

Updated: September 13, 2021 to reflect Office of Civil Rights, (OCR) changes to the Title IX requirements. OCR subsequently issued an [Aug. 24, 2021 letter](#) indicating that it will no longer enforce this particular regulatory provision but will enforce all other provisions of the 2020 amendments to the Title IX regulations.

Updated: September 13, 2021 to reflect changes in Institute Personnel involved with administering this process.

Updated: September 13, 2021 to reflect updated off-campus confidential resource contact information.

APPENDIX A

Glossary/Terms

- *Actual Knowledge* means notice of sexual harassment of allegations of sexual harassment to the Institute's Title IX Coordinator or Official with Authority (OWA) of the Institute to implement corrective measures.
- *Advisor* means a person chosen by a Party or appointed by the Institute to accompany the Party to meetings related to the resolution process, to advise the Party on that process, and to conduct cross-examination for the Party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the Institute investigate the allegation.
- *Confidential Resource* means an employee who is not a Required Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Consent*: Refer to Section IX, A above.
- *Cyber Harassment*: "Program or activity" encompass "all of the operations of" the Institute and such "operations" may certainly include computer and internet networks, digital platforms, and computer hardware or software owned or operated by or used in the operations of the Institute.
- *Day* means a calendar day when the Institute is in normal operation.
- *Education program or activity* means locations, events, or circumstances where CalArts exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the CalArts.

- *Final Determination*: A conclusion by the preponderance of evidence standard that the alleged conduct occurred and whether it did or did not violate policy.
- *Finding*: A conclusion by the preponderance of evidence standard that the conduct did or did not occur as alleged.
- *Formal Title IX Process* means “Process A,” a method of formal resolution designated by the Institute to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.
- *Title IX Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Hearing Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within the Institute’s Formal Title IX Process.
- *Informal Resolution Process*. Alternate complaint resolution process available when a formal complaint is signed and filed alleging sexual harassment against a respondent, and both parties agree to have the complaint resolved informally.
- *Investigator* means the person or persons charged by a CalArts with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Required Reporter* means an employee of the Institute who is obligated/mandated by CalArts policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor.
 - Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.
- *Notice* means that an employee, student, or third-Party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

- *Official with Authority (OWA)* means an employee of the Institute explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the Institute.
- *Party or Parties* include the Complainant(s) or/and Respondent(s), individually or collectively.
- *Recipient* means a postsecondary education program that is a recipient of federal funding.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Recipient's educational program.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Title IX Process.
- *Sanction* or Educational Outcome means a consequence imposed by the Recipient on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.
- *Standard of Evidence* - the standard of evidence used for this policy is the preponderance of evidence. Under this standard, the burden of proof is met when it is found by the fact finder that there is a greater than 50% chance that the claim is true.
- *Title IX Coordinator* is at least one official designated by the Institute to ensure compliance with Title IX and the Institute's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Title IX Process Pool.

Appendix B

Resources

CalArts is committed to treating all members of the community with dignity, empathy, and respect. Any individual who is affected by Sexual Harassment and/or Retaliation, whether as a Complainant, a Respondent, or a third Party—will have equal access to support and counseling services through the Institute. CalArts recognizes that deciding whether or not to make a report and choosing how to proceed can be difficult decisions. The Institute encourages any individual who has questions or concerns to seek the support of campus and community resources. These resources can provide guidance in making decisions, information about available resources and procedural options, and assistance to either Party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

What to Do If You Experience a Sexual Assault or Sexual Exploitation

Anyone who experiences a sexual assault or other sexual misconduct is strongly encouraged to seek immediate assistance. The first priority should be to seek safety and to obtain support from someone the harmed person trusts—such as a friend, family member, a qualified counselor, or an off-campus or on-campus resource.

In an Emergency

If there is an immediate danger or need for an emergency police or medical response on campus, call Campus Safety (You are not required to disclose information that you are not ready to share) at 661-222-2702 and/or the Los Angeles County Sheriff at 911. For persons off campus, dial 911.

Seeking Medical Care

Those who experience sexual assault (particularly non-consensual oral copulation, vaginal, or anal penetration) are urged to seek medical treatment as soon as possible by going to the nearest hospital emergency room, specialized sexual assault treatment and trauma center, or private physician.

Contact Elizabeth Peisner, Confidential Student Resource Advocate can be contacted for assistance at 661-713-5325 to assist in navigating options and resources related to trauma and sexual respect.

The emergency room nearest the CalArts campus is located at:

Henry Mayo Newhall Memorial Hospital

23845 McBean Parkway

Valencia, CA 91355

661-253-8000

Please note that Henry Mayo does not currently offer on-call Sexual Assault Nurse Examiners (SANE Nurses). CalArts partners with UCLA Rape Treatment Center (RTC), which provides free, comprehensive, state-of-the-art treatment for sexual assault victims 24 hours a day, including highly specialized emergency medical care, forensic/evidentiary services, counseling, advocacy, and information about rights and options to help victims make informed choices and decisions.

[Rape Treatment Center at UCLA Santa Monica Medical Center](#)

RTC provides free transportation to anyone in need of assistance.

1250 16th Street

Santa Monica, CA 90404

424-259-7208

Harmed persons who promptly seek medical attention benefit from being examined for physical injury, receiving preventative treatment for sexually transmitted infections, a toxicology examination for date rape drugs, and emergency contraception, as appropriate. In addition, prompt reporting allows for the preservation of evidence, which will only be used if the person who experiences sexual misconduct decides, either immediately or later, to press criminal charges or to file a civil lawsuit.

To preserve evidence, those who experience sexual violence should not bathe, smoke, brush their teeth or change clothes (a change of clothes should be brought along). If clothes have been changed, the original clothes should be put in a paper bag (plastic bags damage evidence) and brought to the hospital. Do not disturb the scene of the assault. If it is not possible to leave the scene undisturbed, evidence (e.g., bedding, towels, loose fabrics, prophylactics, and clothing) should be placed in separate paper bags to be preserved.

Time is a critical factor in collecting and preserving evidence. The physical evidence of an assault is most effectively collected within the first 24-48 hours of the assault, but some evidence may be collected for up to 72-96 hours. If, however, a person who experiences sexual assault chooses to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged, but the harmed persons should understand that a delay may make it more difficult to collect physical evidence of the sexual assault which could impact a criminal prosecution or civil lawsuit.

Hospitals and health practitioners that treat any physical injury sustained during a sexual assault are required to report it to law enforcement agencies. The harmed person(s) may choose whether or not to speak to police at the hospital. Also, it is important to understand that one who

experiences sexual assault or other forms of sexual misconduct does not need to make an immediate decision to press criminal charges—that decision can be made at a later time.

Off-Campus Community and National Confidential Resources

Students, faculty, and staff may also access resources located in the Santa Clarita Valley and Los Angeles County area. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs.

Students, faculty, and staff wishing to seek additional confidential off-campus resources may visit with any medical and licensed mental health professional, or trained sexual violence advocates, as they have statutorily protected confidentiality and may only disclose information with your permission. The Title IX Response Team may provide additional assistance in finding additional resources.

National Domestic Violence Hotline

The hotline is the only center in the nation that has access to service providers and shelters across the US Trained advocates staff this 24-hour crisis hotline and provide confidential assistance.

800-799-SAFE (7233)

Rape Treatment Center (RTC) at UCLA Sant Monica Medical Center

RTC offers comprehensive, free treatment for sexual assault victims and their families, including 24-hour emergency medical care, forensic examinations, crisis intervention, long-term professional counseling, advocacy, and accompaniment services.

1250 Sixteenth Street
Santa Monica, CA 90404
424-259-7208

RAINN-Rape, Abuse, Incest National Network

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline in partnership with more than 1,100 local rape crisis centers across the country. RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice.

800-656-HOPE (4673) or online at the National Online Hotline: <http://online.rainn.org>

Strength United (formerly Valley Trauma Center)

Strength United provides a 24-hour Sexual Assault Emergency Response Team, counseling, and prevention education to over 15,000 individuals annually. In addition, Strength United has expanded its case management and counseling services as a Los Angeles County Family Preservation Program lead agency. Counseling, crisis intervention services, and prevention education programs are available in Spanish and English; other languages are offered when available.

661-253-0258 or 818-886-0453

CALCASA-California Coalition Against Sexual Assault

The California Coalition Against Sexual Assault (CALCASA) provides leadership, vision, and resources to rape crisis centers, individuals, and other entities committed to ending sexual violence.

916-446-2520

916-446-8802 (TTY/TDD)

Center for Assault Treatment Services (CATS)

CATS provides compassionate care to survivors of physical and sexual assault as well as on-site advocacy support, case management, counseling and referrals for victims and their family members.

CATS is located at the Northridge Hospital Medical Center

18300 Roscoe Boulevard

Northridge, CA 91325

818-908-8632

Center for the Pacific Asian Family (CPAF)

CPAF is a non-profit agency specializing in assisting Asian and Pacific Islanders who are surviving sexual assault and/or domestic violence. Multilingual staff and volunteers are available to those who speak limited English. All services are free of charge.

800-339-3940 - 24-hour Confidential Crisis Hotline

Los Angeles County Domestic Violence Hotline

This toll-free 24-hour hotline routes Southern California victims of domestic violence directly to trained shelter personnel in Los Angeles County. Callers may receive help in 13 languages (English, Spanish, Korean, Vietnamese, Mandarin, Cantonese, Tagalog, Khmer, Japanese, Thai, Armenian, Arabic, and Farsi).

800-978-3600

The National Center for Victims of Crimes

Through collaboration with local, state, and federal partners, the National Center advocates for a national commitment to help victims of crime rebuild their lives. They are dedicated to serving individuals, families, and communities harmed by crime.

800-FYI-CALL (394-2255)

800-211-7996 (TTY Line)

Hours: Monday-Friday, 8:30 am-8:30 pm Eastern

Peace Over Violence-Rape & Battery Hotline

Peace Over Violence (formerly LACAAW), established in 1971 by pioneering feminist activists, is a sexual and domestic violence, stalking, child abuse and youth violence prevention center headquartered in Los Angeles and dedicated to building healthy relationships, families, and communities free from sexual, domestic and interpersonal violence.

24/7 LA Rape & Batterling Hotline 213- 626-3393, 310-392-8381, 626-793-3385

Appendix C

Related CalArts Policies

- CalArts Minor's Policy
- CalArts Sexual Misconduct Code
- CalArts Student Conduct Code
- CalArts Discrimination and Harassment Policies

External Contributors to Policy

A. ATIXA

ATIXA 2020 Interim Model Sexual Harassment Policies and Procedures use and adaptation of this Model with citation to ATIXA is permitted through a limited license To: CalArts

All other rights reserved.©2020. ATIXA

B. The Student Conduct Institute